**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO: 15086 of 2005**

Between:

K.Mallaiah, s/o Ramaiah,
E.No.78145, r/o Alladurg (V),

(Post) & Mandal, Medak District.

**..... PETITIONER**

AND

1. The Principle Secretary to the Government,

Labour & Employment & Training Factories (Lab.IV)

Department, Secretariat, Hyderabad.A.P.
2 The Assistant Commissioner of Labour,

Sangareddy, Medak District.
3 The Depot Manager, APSRTC,

Narayankhed Bus Depot, Medak District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not referring the dispute to the concerned Tribunal or Labour Court for adjudication in pursuance of the proceedings of the 2nd respondent Lr.No.G/252/2002, dated 14-10-2004 as required under Section 12(4) of Industrial Dispute Act as illegal, arbitrary and unjust and consequently direct the 1st respondent to refer the dispute to the concerned Tribunal

or Labour Court for adjudication in pursuance of the 2nd respondent proceedings in Lr.No.G/252/2002, dated 14-10-2004.

**Counsel for the Petitioner: MR.G.RAVI MOHAN**

**Counsel for the Respondent Nos.1 and 2.: GP FOR LABOUR**

**Counsel for the Respondent No.3: MR VTM PRASAD**

**The Court at the admission stage made the following:**

**ORDER:**

This writ petition is filed by the petitioner aggrieved by the inaction of the first respondent in referring the dispute, which was forwarded by the second respondent, for reference under Section 10 of the Industrial Disputes Act.

**2.** According to the petitioner, conciliation proceedings were initiated before the second respondent by the Union on behalf of the petitioner. As there was no settlement, the conciliation officer informed the failure of the conciliation to the first respondent and reported for further action. The grievance of the petitioner is that the first respondent did not take necessary action under Section 10 of the Industrial Disputes Act referring the dispute between the Union and the third respondent. Hence, the present writ petition.

**3.** At the time of hearing, it is represented by the learned counsel for the petitioner that by proceedings dated 14-10-2004, the second respondent reported to the first respondent about the failure of the conciliation. Hence, sought for appropriate orders.

**4.** Heard the learned counsel for the petitioner and the learned Government Pleader.

**5.** In view of the reporting of failure of the conciliation between the parties, the first respondent-Government is obligated to make a reference to the

appropriate Industrial Tribunal/Labour Court for adjudication of the dispute.

**6.** Under the above circumstances, the first respondent is directed to pass appropriate orders referring the dispute to the appropriate authority for adjudication expeditiously, preferably, within a period of six weeks from the date of receipt of a copy of this order.

**7.** Accordingly, the writ petition is disposed of. No order as to costs.

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**S.ANANDA REDDY, J**

13th July, 2005

SKM

**Copy to:**

1. The Principle Secretary to the Government,

Labour & Employment & Training Factories,

(Lab-IV), department, Secretariat, Hyderabad, A.P.,

2. The Assistant Commissioner of Labour,

Sanga Reddy, Medak District.

3. The Depot Manager, A.P.S.R.T.C.,

Najrayankhed Bus depot, Medak District.

4. Two C.Cs to the Government Pleader for Labour, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

5. Two C.D. copies.